

UNITED STATES DISTRICT COURT

for the
Eastern District of Tennessee

United States of America

v.

KELVON FOSTER

Defendant(s)

Case No. 3:21-MJ-

2087

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 5, 2021 in the county of Knox in the
Eastern District of Tennessee, the defendant(s) violated:

Code Section

18 U.S.C. § 922(a)(6)

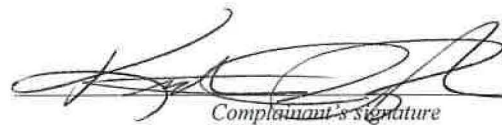
Offense Description

False or fictitious statement when purchasing a firearm

This criminal complaint is based on these facts:

Please see the Affidavit of ATF Special Agent Kristin Pyle which is attached hereto and fully incorporated herein.

☒ Continued on the attached sheet.


Complainant's signature

Kristin Pyle, ATF Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 5-13-2021

City and state: Knoxville TN


Judge's signature

H. Bruce Guyton, United States Magistrate Judge

Printed name and title

AFFIDAVIT

Comes now your Affiant, Special Agent Kristin J. Pyle of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), first being duly sworn, now deposes and says:

I am an ATF special agent and have been so employed for approximately twelve years. Prior to my employment with ATF, I worked in corporate security, retail security, and the residential security business for approximately eight years. I am presently assigned to the ATF Knoxville, Tennessee, Field Office and work with the 7th Drug and Violent Crime Task Force which is a High Intensity Drug Trafficking Area (HIDTA) group in Anderson County, Tennessee. My primary duties include that of enforcing the Federal firearm laws under Title 18 and Title 26 of the United States Code. I am a graduate of the Federal Law Enforcement Training Center and the ATF National Academy, and as a result of my training and experience as an ATF special agent, I am familiar with federal criminal laws, federal firearms laws and federal drug laws. I have also received additional specialized training through ATF in determining the interstate nexus of firearms and ammunition and have testified as an expert in federal court in regards to those findings.

The statements in this Affidavit are either known personally, or have been told to me directly by law enforcement officers with the 7th Drug and Violent Crime Task Force (DVCTF).

Since this Affidavit is being submitted for the limited purpose of securing an arrest warrant for KELVON FOSTER ("FOSTER"), your Affiant has not included each and every fact known concerning this investigation. Your Affiant has set forth only the facts that are necessary to establish probable cause.

On April 12, 2021, Agents with the Tennessee Bureau of Investigation (TBI) were conducting an Officer Involved Shooting investigation at Austin East school located in Knoxville, Tennessee, which is located in the Eastern District of Tennessee. During TBI's investigation a firearm was recovered that had been in the possession of ANTHONY THOMPSON ("THOMPSON") at the time of the shooting.¹ S/A Pyle reached out to TBI to offer assistance with tracing the firearm. TBI provided that the recovered firearm was a Glock, pistol, model 45, 9mm, with serial number BRKR343.

S/A Pyle traced the firearm and found that it had been purchased during a multiple sale by FOSTER on April 5, 2021. FOSTER purchased the firearm at Harvey's Pistol and Pawn ("HARVEY's"), a Federal Firearms Licensee, located in Knoxville, Tennessee. S/A Pyle went to HARVEY's and obtained the video of the purchase as well as the ATF form 4473 filled out by FOSTER on April 5, 2021. In the video, S/A Pyle observed FOSTER, THOMPSON and two other males enter the store together. On the video FOSTER goes to the table and fills out the ATF Form 4473 before looking at any firearms. THOMPSON and the other two males go to the display area where the Glock firearms are located.

During his interviews with ATF and TBI Agents, FOSTER admitted to having straw purchased the firearm for THOMPSON. FOSTER stated that THOMPSON gave him money prior to entering HARVEY's. FOSTER also stated that THOMPSON told him what firearms he wanted FOSTER to purchase for him. FOSTER stated that when he filled out the ATF form 4473 he knew the firearm was for THOMPSON and not himself and therefore lied on the form when he answered yes to the question "Are you the actual transferee/buyer of the firearm(s) listed on this form?"

¹ Anthony Thompson died as a result of the shooting.

Your Affiant has made an interstate nexus determination regarding the Glock firearm. The firearm, as described, was not manufactured in the state of Tennessee and therefore had moved in or affected interstate or foreign commerce.


Based upon the above information, your Affiant has probable cause to believe that KELVON FOSTER committed the offense of straw purchasing a firearm therefore Causing a FFL to falsify records, on or about April 5, 2021, in violation of 18 U.S.C. § 924(a)(1)(A). The foregoing facts are true to the best of your Affiant's knowledge and belief.

Further your Affiant sayeth naught.



Kristin J. Pyle
ATF Special Agent

Subscribed and sworn to before me, this 13th day of May, 2021.



Honorable H. Bruce Guyton
Magistrate Judge
United States District Court